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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 LATIA ALEXANDER, individually as heir
10 of ISIAIAH T. WILLIAMS, and in her
capacity as Special Administrator of the
Estate of ISIAIAH T. WILLIAMS,

11 Plaintiff,

12 vs.

13 LAS VEGAS METROPOLITAN POLICE
14 DEPARTMENT, a political subdivision of
the State of Nevada; KERRY KUBLA, in his
15 individual capacity; BRICE CLEMENTS, in
his individual capacity; ALEX GONZALES,
16 in his individual capacity; RUSSELL
BACKMAN, in his individual capacity;
17 JAMES ROTHENBURG, in his individual
capacity; JAMES BERTUCCINI, in his
18 individual capacity; MELANIE O'DANIEL,
in her individual capacity and DOES I-XX,
19 inclusive,

20 Defendants.

Case Number:
2:24-cv-00074-APG-NJK

STIPULATION AND ORDER TO
EXTEND DISPOSITIVE MOTION
DEADLINE (FIRST REQUEST)

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1 Defendants Las Vegas Metropolitan Police Department (“LVMPD”), Kerry Kubla,
2 Brice Clements, Alex Gonzales, Russell Backman, James Rothenburg, James Bertuccini and
3 Melanie O’Daniel (“LVMPD Defendants”), by and through their counsel, Marquis Aurbach,
4 and Plaintiff Latia Alexander, individually as heir of Isaiah T. Williams, and in her capacity
5 as Special Administrator of the Estate of Isaiah T. Williams (“Plaintiff”), by and through her
6 counsel of record, Breeden & Associates, PLLC, hereby, pursuant to LR 26-3, stipulate to
7 extend the deadline for the parties to file dispositive motions (First Request) by sixty-days
8 pursuant to LR II 26-3. The present dispositive motion deadline is March 5, 2025.

9 **I. DISCOVERY COMPLETED**

10 1. The discovery cut off in this case was February 5, 2025.

11 2. During the eleventh-month discovery period, the parties completed the
12 following discovery.

13 a. On March 12, 2024, this Court entered the original Discovery Plan and
14 Scheduling Order. (ECF No. 19).

15 b. Plaintiff served her initial FRCP 26(a)(1) disclosure on February 23,
16 2024.

17 c. The LVMPD Defendants served their initial FRCP 26(a)(1) disclosure
18 on March 5, 2024.

19 d. Ongoing since April 3, 2024, the parties have both served and
20 responded to several rounds of written discovery. To explain to the Court, due to several
21 defendants in this case, several hundred requests have been made and responded to by the
22 Parties, written discovery is voluminous.

23 e. The LVMPD Defendants have supplemented their disclosure statement
24 seven (7) times and produced 17,000 pages of documents and over 8 hours of body worn
25 camera video:

- 26 • First Supplemental Disclosure on March 14, 2024.
- 27 • Second Supplemental Disclosure on April 8, 2024.
- 28 • Third Supplemental Disclosure on May 17, 2024.

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- Fourth Supplemental Disclosure on June 26, 2024.
- Fifth Supplemental Disclosure on August 1, 2024.
- Sixth Supplemental Disclosure on September 3, 2024.
- Seventh Supplemental Disclosure on October 15, 2024

f. Plaintiff produced an additional seven (7) supplemented disclosures, with approximately 2,000 pages of documents and 39 witnesses:

- First Supplemental Disclosure on March 8, 2024.
- Second Supplemental Disclosure on June 18, 2024.
- Third Supplemental Disclosure on July 26, 2024.
- Fourth and Fifth Supplemental Disclosures on August 9, 2024.
- Sixth Supplemental Disclosure on November 5, 2024.
- Seventh Supplemental Disclosure on December 19, 2024.

g. In August 2024, Plaintiff amended her complaint to include a new defendant, Melanie O'Daniel.

h. Defendant O'Daniel answered in late August 2024.

i. The LVMPD Defendants deposed Plaintiff on August 23, 2024.

j. Plaintiff deposed defendants Gonzales on July 8, 2024; Bertuccini on July 12, 2024; Rothenberg on July 17, 2024; Backman on October 3, 2024; Clements on October 8, 2024; Kubla on October 11, 2024; and O'Daniel on December 17, 2024.

k. On January 7, 2025, the parties submitted their Stipulation and Proposed Order to Extend the Discovery Deadlines (First Request) (ECF No. 35) in this case, which the magistrate judge denied with a request for more specific dates of when discovery took place (ECF No. 36).

l. Plaintiff deposed Det. Justin Roth on January 8, 2025, and Sgt. Garth Findley on February 5, 2025.

m. The parties timely disclosed expert witnesses on November 5, 2024, and rebuttal expert witnesses on December 19, 2024.

1 n. The LVMPD Defendants deposed Plaintiff's expert Gilbertson on
2 January 21, 2025.

3 o. Plaintiff scheduled the depositions of LVMPD's expert witness and
4 Rule 30(b)(6) witnesses within the discovery cut-off. Both depositions had to be cancelled
5 due to an unexpected illness.

6 p. The parties have since rescheduled the depositions but had to do so
7 outside of the discovery period.

8 **II. DISCOVERY TO BE COMPLETED**

9 1. Plaintiff is taking the deposition of the LVMPD Defendants' expert Spencer
10 Fomby on February 18, 2025.

11 2. Plaintiff is taking the deposition of LVMPD's Rule 30(b)(6) witness on
12 February 21, 2025 and dates in March that are currently being worked out..

13 **III. REASONS WHY THE DISCOVERY REMAINING WAS NOT COMPLETED**
14 **WITHIN THE TIME LIMITS SET BY THE COURT**

15 The parties agree, pursuant to Local Rule 6-1, that good cause exists for the requested
16 extension. The parties have not received any discovery extensions in this case. As represented
17 above, both parties conducted significant discovery in this complicated case in under one-
18 year. The parties have worked together to avoid unnecessary court intervention or delays.

19 The parties anticipated on having all discovery complete before the February 5, 2025
20 deadline. However, on the eve of the deposition of Defendants' expert and Rule 30(b)(6)
21 witness, an unexpected illness occurred that required the rescheduling of the depositions. The
22 parties have reset Defendants' expert deposition for February 18, 2025 and part of the Rule
23 30(b)(6) deposition for February 21, 2025. However, some of the Rule 30(b)(6) deponents are
24 not available until mid-March 2025.

1 **IV. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY:**

- 2 1. **Dispositive motions moved from March 5, 2025 to May 5, 2025.**
- 3 2. **Joint Pretrial Order will be due 30 days after the resolution of dispositive**
- 4 **motions.**

5 This extension will ensure that all deposition transcripts are available prior to the filing

6 of dispositive motions and that any dispositive motions will be properly and fully briefed.

7 IT IS SO STIPULATED this 10th day of February, 2025.

8 MARQUIS AURBACH

BREEDEN & ASSOCIATES, PLLC

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10 By: s/Craig R. Anderson

11 Craig R. Anderson, Esq.

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15 Attorney for Defendants

By: /s/ Adam Breeden

Adam Breeden, Esq.

Nevada Bar No. 8768

7432 W. Sahara Ave, Ste 101

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Attorney for Plaintiff

16 **ORDER**

17 IT IS SO ORDERED.

18 Dated this __ day of February, 2025.

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21 UNITED STATES DISTRICT COURT JUDGE

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